

REMARKS

Objected to Claims 5, 10, 25 and 30 have been amended to include the limitations of their respective base claims and any intervening claims. As such, Claims 5, 10, 25 and 30 stand allowable.

The dependency of Claims 11-15 has been changed from Claim 1 to allowable Claim 10. As such, Claims 11-15 stand allowable. Claim 16 depends from Claim 15 and is similarly allowable.

The dependency of Claims 33-35 has been changed from Claim 21 to allowable Claim 25. As such, Claims 33-35 stand allowable. Claim 36 depends from Claim 25 and is similarly allowable.

Claims 5, 10-16, 25, 33-36 and 39-56 are pending. Claims 39-56 are rejected under 35 U.S.C. § 102(b).

Independent Claims 39 and 48 are rejected under 35 U.S.C. § 102(b) as being anticipated by Silventoinen et al. (WO 98/07291).

Independent claims 39 and 48 are rejected under 35 U.S.C. § 102(b) as being anticipated by Silventoinen et al. (WO 98/07291). Claim 39 is directed to a method of producing a sequence of frames and recites “**selecting a sequence of K different bit sequences that uniquely distinguish a first cell from a second cell adjacent the first cell**; inserting the sequence of K different bit sequences into a group of K respective sequential frames of the sequence of frames; and repeating the step of inserting at each successive group of K sequential frames of the sequence of frames.”

Claim 48 is directed to a method of receiving a sequence of frames and recites “**selecting a sequence of K different bit sequences that uniquely distinguish a first cell from a second cell adjacent the first cell**; identifying the sequence of K different bit sequences in a group of K respective sequential frames of the sequence of frames; and repeating the step of identifying at each successive group of K sequential frames of the sequence of frames.” (emphasis added). Examiner has cited page 8, line 2 of Silventoinen et al. as an anticipatory disclosure of the foregoing emphasized limitations. Therein, Silventoinen et al. disclose “each burst has a dedicated training sequence, e.g. TS1-TS2-TS3-TS4.” As previously discussed, however, Silventoinen et al. do not disclose the training sequence uniquely distinguishes a first cell from a second cell adjacent the first cell as required by claims 39 and 48. Thus, claims 39 and 48 and their respective depending claims are patentable under 35 U.S.C. § 102(b).

An amendment after a final rejection should be entered when it will place the case either in condition for allowance or in better form for appeal. 37 C.F.R. 1.116; MPEP 714.12. This amendment places Claims 5, 10-16, 25, 33-36 and 39-56 in condition for allowance. At a minimum, this amendment places the case in better form for appeal since it places Claims in immediate condition for allowance and places the case in better form for appeal by deleting rejected Claims 1-4, 6-9, 17-24, 26-32, 37 and 38.

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Claims 5, 10-16, 25, 33-36 and 39-56 stand allowable over the cited art and the application is in allowable form. Applicants respectfully requests allowance of the application as the earliest possible date.

Respectfully submitted,

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